

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

John Doe 349-1809-135
Bernie Hunter 349-19-00661

Randolph 349-18- Efel

Write the full name of each plaintiff

Joseph Belmar 349-18-09158

-against-

Cephus Warrice,
The City of New York
municipal corporation
New York State

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

19cv4638

No. _____

(To be filled out by Clerk's Office)

COMPLAINT

(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

RECEIVED
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2019 MAY 16 PM 3:48
S.D. OF N.Y.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☒ Other:

New York Equal Protection of Law & Const. Mt

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Joseph

First Name

Middle Initial

Belmar

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

349-18-09158

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

mark - C95

Current Place of Detention

18-18 Rikers St

Institutional Address

New York

County, City

New York

State

11370

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other:

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

Cyros Vance DA
 First Name Last Name Shield #
 District Attorney New York City
 Current Job Title (or other identifying information)
 80 Centre St
 Current Work Address
 NY NY 10016
 County, City State Zip Code

Defendant 2:

New City Municipal Corporation
 First Name Last Name Shield #
 100 Church St Corporation Counsel
 Current Job Title (or other identifying information)
 Current Work Address
 NY NY 10016
 County, City State Zip Code

Defendant 3:

New York State
 First Name Last Name Shield #
 Governor and Overseer NY City
 Current Job Title (or other identifying information)
 100 Church St
 Current Work Address
 NY NY 10016
 County, City State Zip Code

Defendant 4:

First Name Last Name Shield #
 Current Job Title (or other identifying information)
 Current Work Address
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: New York city

Date(s) of occurrence: Dec 25 - on going 2019

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

the City of New York,
County of Manhattan, and its
Appellate Division Dept are allowing
the Manhattan DA to Deprive its
Citizens and territorial residents to
to Deprive of its United States Constitution
and New York State Due Process and
equal protection of laws and
Due Process and its liberty
interest to fraudulently and illegally
detain, disenfranchise and be
Deprive civil rights under force of
State laws authority. It is Depriving
Citizens Right to Jury Trial
and Fair and impartial Grand
Jury Right under the guise of
Belong prosecution Depriving Blacks
Latino and mentally challenged
Citizens Constitutional Due process
Rights to loss of liberty and
liberty interest where the Federal
Jurisdiction is needed to ensure
Constitutional - Disenfranchise and

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Pain suffering, mental suffering
loss of Consortium, Trauma mental
and physical

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

1000000000 each member of Class
for each violation of Constitutional
rights

one hundred thousand each
member of Class

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated 4-16-19
 Plaintiff's Signature Scott Evans
 First Name Joseph Middle Initial Belmar Last Name 3101900216
 Prison Address 18018 Jones St
 County, City West State NY Zip Code 11370

Date on which I am delivering this complaint to prison authorities for mailing: 5-2-19

1. ~~Return against~~ ~~Cykos Vance~~
 District Attorney Manhattan for
 violating Federal and State Grand Jury
 Rights and Privileges, under Due Process
 and liberty interest, not limited to
 threats of vindictive prosecution,
 selective prosecution and violating the
 Constitutional equal protection of
 laws Involving Constitutional Grand
 Jury Processes.

1 ~~F. Hunter~~
 Fermin Hunter
 349-19-00661

Raul
 349-19-00661


John Doe
 349-1809135

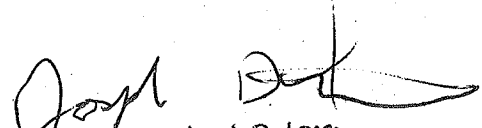
R. J. J. J.
 349-19-02118

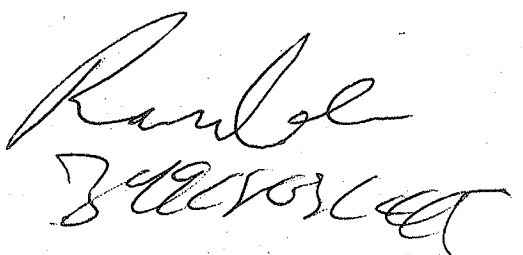
Scott Evans

3101900216

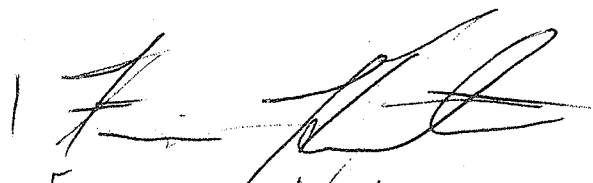
Return against Cykos Vance
District Attorney Manhattan for
violating Federal and State Grand Jury
Rights and Privileges, under Due Process
and liberty interest, not limited to
threats of vindictive prosecution,
selective prosecution and violating the
Constitutional equal protection of
law Involving Constitutional Grand
Jury Practices.


Fermin Hunter
349-19-00661

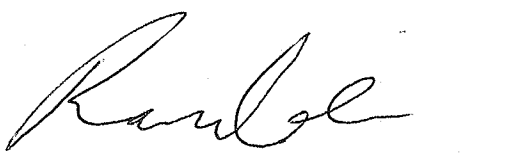

34919-02189
Joseph Dalto


Joseph Belmar
3491809158

Return against KUS VANCE
 District Attorney Manhattan for
 violating Federal and State Grand Jury
 Rights and Privileges, under Due Process
 and Liberty interest, not limited to
 threats of vindictive prosecution,
 selective prosecution and violating the
 Constitutional equal protection of
 laws Involving Constitutional Grand
 Jury Processes.

1 
 Fermin Hunter
 349-19-00661

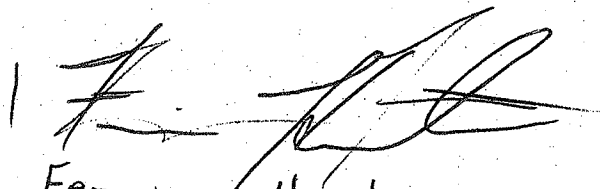
NR ~~ADDRESS~~ 60685
 349 1901042


 Raul G. Streeter

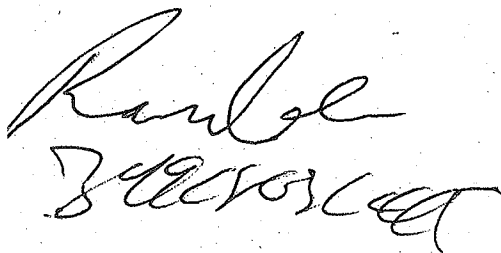
Gilbert Streeter
 895-19-00325

Jose M. Torres
 PU 1902177

1. District Attorney Manhattan for
violating Federal and State Grand Jury
rights and privileges, under Due Process
and liberty interest, not limited to
threats of vindictive prosecution,
selective prosecution and violating the
Constitutional equal protection of
law. Involving Constitutional Grand
Jury Practices.

1. 
Fermin Hunter
349-19-00661

M. Simond
Matthew Simond
349 1805397


C. Kandel
349 1808231

BRYAN UN
349 1808231

J. Doe
349 1808231

6 Tuesday, January 22, 2019

DAILY NEWS NYDailyNews.com

BY REUVEN BLAU
NEW YORK DAILY NEWS

When detectives arrested Joel Porter for attacking a psychiatric hospital orderly, he thought his case would make its way through the system in a matter of days.

Four years and four months later, Porter is one of the longest-serving inmates in the city's Correction Department.

Porter, 28, who has been found mentally unfit to stand trial, waits for the criminal justice system to figure out a way forward.

"I never had a client like Joel as far as how long it has gone on," said his lawyer Adrian Konta. "He's someone who desperately needs long-term care, and care with a purpose."

Porter is not alone.

Correction officials say there are 3,597 incarcerated people — 43% of the entire jail population — who have some level of mental illness. That figure has steadily risen over the last decade.

Advocates for people with mental health issues are lobbying criminal justice officials to "redirect" these type of cases into the mental

WAIT FOR JUSTICE AT RISKERS IS A FOUR-YEAR

Harlem man found mentally unfit for

ist for someone like Porter. He has been diagnosed with everything from unspecified schizophrenia to a psychotic disorder to bipolar disorder. His mother believes he suffers from serious depression, which has been exacerbated during his time in jail.

Konta, his lawyer, has proposed placing him in the state-run Greendoor Psychiatric Center in Queens, where medical staff can provide long-term care.

Manhattan District Attorney Cy Vance Jr.'s staff has rejected that option.

"While we do not believe the program proposed by Greendoor is suitable to hold the defendant accountable and get him appropriate help, we are in discussions to reach a reasonable and timely disposition in this case," said DA spokeswoman Justin Henry.



When I jacket Porter tried to take it back and was later arrested for robbery, his family says. Details of that case remain unclear because the file has since been sealed.

Porter, who was a teen at

the time, spent three months at Rikers and missed his high school graduation before his mother could bail him out.

"It was hard because I was going to school and doing good," Porter said.

He struggled to adjust to life in Rikers and was totally changed by the experience, said his mother, Elfreda Gonzales, who lived with her son in a two-bedroom apartment at the New York City Housing Authority's Governor Devitt Clinton Houses in East Harlem.

Gonzales said she did everything possible to raise him in a loving environment. Porter thrived in school and never seemed to have any mental issues.

But life in that housing project was not all rosy. Weeks after his fifth birthday, his father abruptly left the family after beginning a relationship with a baby-sitter.

offer treatment instead of criminalization," said Cheryl Roberts, executive director of the Greenbagger Center for Social and Criminal Justice.

The organization is in the midst of creating Hope House on Crotona Park in the Bronx, a 25-bed "Alternative to Incarceration" facility where defendants with mental illness can get treatment for up to two years.

The de Blasio administration plans to build four new modern jails that will likely include built-in medical clinics as part of the ambitious plan to shut down Rikers.

But Roberts and other advocates for people in jail are urging the de Blasio administration to take mentally ill defendants out of the Correction Department jurisdiction.

"We should not be making it easier for the criminal justice system to manage this population," she said. "We should change the system where it is run by mental health officials. We should redirect these defendants into the mental health system."

Currently, few options ex-

January 22, 2019



The person in the photograph
has been identified as
a person of interest in
the case. The person in
the photograph is a
man of African descent,
born in the United States,
and is currently residing
in the United States.

How much are we going to suffer?"

trial - system doesn't know what to do with him

according to Consalves. Porter was devastated.

His father's absence weighed heavily on Porter growing up. When he was released from Rikers and found out his father was living in Florida, Porter flew down to visit him and several young half-siblings.

There, he struggled to find work and didn't want to be a drain on the family. So he flew back to New York without telling his mother. When he arrived in East Harlem, she wasn't home and the door was locked.

He panicked. According to his version of events, he passed out and was found by a neighbor who called 911. He woke up in the ambulance and asked to be taken to Lenox Hill Hospital, where his mother worked as a receptionist for 25 years.

Doctors there believed he was having some kind of

mental breakdown and put him in the psychiatric ward, according to family. He spent three weeks there, but medical staff was eager to discharge him.

That's when authorities say Porter exploded.

A hospital orderly, who was also a friend of the family, urged him to listen to his mother and get his life in order, Porter says.

But he attacked the unidentified man, punching him in the face and breaking a tooth, the criminal complaint says. The orderly fell to the floor and Porter stomped on his head and body more than six times, the Manhattan district attorney's office says.

Porter never talks about what actually happened during the fight and insists it has been overblown.

His mother points out he was in a mental unit where

patients are expected to be properly cared for and blocked from lasting out.

The DA has a very different take.

Porter is facing attempted murder charges and the DA's office has refused to release him to one of the city's few in-house facilities assisting people with mental health issues.

In response, his lawyer refuses to agree to a deal that does not include some kind of long-term health planning.

"Over the years, we put forth two comprehensive proposals that would care for Joel after jail and would deal with his medical and mental health issues," Konta said. "To just give him a prison sentence and send him out into the world is extremely shortsighted."

Porter's health has deteriorated as he waits for the case to be adjudicated. He

now requires weekly dialysis — which he never needed before his time in jail.

A self-proclaimed foodie, Porter says he has missed meals due to some of those sessions. Before his arrest, Porter volunteered at the Boys & Girls Club of Harlem's mentoring youngsters. He loves basketball and keeps up to date on all the latest news in the NBA with ESPN magazines his mother brings during her weekly visits.

After traveling more an hour to see him she's sometimes turned away when he's undergoing dialysis. Porter has also spent long stretches in Bellevue Hospital for a host of ailments.

He has ambitious dreams of going back to school and becoming a pharmacist or dietitian or a college athlete.

"I need help but I don't want to sit here all day," he

said during an interview inside the North Infirmity Command facility at Rikers.

"I don't want to be let out into the city and then have the same problems and relapse."

His mother is more concerned about his current status and worried he won't make it out of jail alive.

"I'm afraid he won't be able to take it no more and start talking against authority," she said.

As a single mother, Consalves worked long hours and wishes she got more involved after doctors said Porter is bipolar, which she believes is a wrong diagnosis.

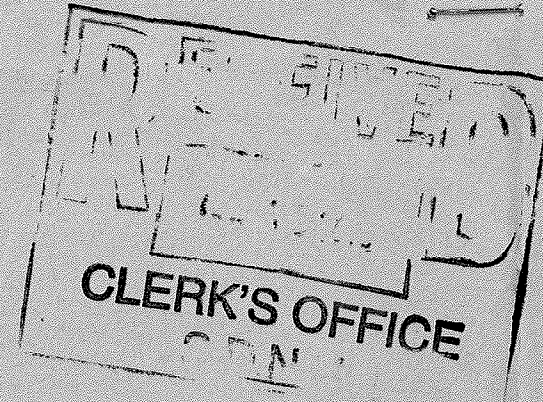
"I feel guilty," she said. "I loved my son, but didn't know how to find resources."

But she's not giving up hope that he will soon be sent back home.

"It's not fair," she said. "How much are we going to suffer?"

Joseph Belman
349 18 09158

18-18 Heren St
West Hartford
11370



Pro se
EK

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United States District Court
Eastern District of New York

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2019 MAY 16 PM 3:15

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New York, New York 10007-1812

